



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

<b>DOD: 4-28-12</b>		<b>SUMANUS ANTHONY CHONTONG</b> , Son and Administrator with Full IAEA without bond, is Petitioner.  Accounting is waived.  I&A: \$175,834.65 POH: \$163,111.57 (\$25,065.59 is cash)  Administrator (Statutory): Waived  Attorney (Statutory): Pursuant to agreement, attorney fees will be paid on agreed hourly rates, not to exceed statutory sum of \$6,275.04.  Costs: \$460.50 (filing, certified letters)  <b>Distribution pursuant to intestate succession:</b>  <b>Sumanus Anthony Chontong:</b> Entire estate	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc <b>Reviewed on:</b> 10-24-13 <b>Updates:</b> <b>Recommendation:</b> SUBMITTED <b>File 2 – Chontong</b>	

Age: 6		<b><u>NO TEMPORARY REQUESTED</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>CECILIA RODRIGUEZ</b> , mother, is Petitioner.		<b><u>CONTINUED FROM 09/25/13</u></b>	
		Father: <b>CHRYSTIAN RODRIGUEZ</b> – deceased		1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Estate or Consent &amp; Waiver of Notice or Declaration of Due Diligence</i> for:	
Cont. from 091213, 092513		Mother: <b>CECILIA RODRIGUEZ</b>		<ul style="list-style-type: none"> <li>- Martin Rodriguez (paternal grandfather)</li> <li>- Lorena Rodriguez (paternal grandmother)</li> <li>- Roberto Altamirano (maternal grandfather)</li> <li>- Terecita Tomas (maternal grandmother)</li> </ul>	
	Aff.Sub.Wit.				
✓	Verified		Paternal grandfather: MARTIN RODRIGUEZ		
	Inventory		Paternal grandmother: LORENA RODRIGUEZ		
	PTC				
	Not.Cred.				
✓	Notice of Hrg		Maternal grandfather: ROBERTO ALTAMIRANO		
	Aff.Mail	x	Maternal grandmother: TERCITA TOMAS	<b>Note:</b> Proof of service attached to Notice of Hearing filed 10/15/13 is not complete. It is not signed, nor does it indicate a date of mailing or if mailing was completed.	
	Aff.Pub.			2. The Petition was filed with a Fee Waiver, the Court filing fees will be due to the court when insurance proceeds are received.	
	Sp.Ntc.				
	Pers.Serv.		<b>Petitioner states</b> the minor's father was killed in a car accident on 11/20/12.		
✓	Conf. Screen		The minor is entitled to death benefits in the amount of \$40,000.00. The		
✓	Letters		insurance company will not release the		
✓	Duties/Supp		money until it receives an order		
	Objections		appointing the guardian of the estate of the minor beneficiary.	<b>Note:</b> If the Petition is granted, status hearings will be set as follows:	
	Video Receipt			<ul style="list-style-type: none"> <li>• <b>Friday, 12/06/13 at 9:00 am in Dept. 303</b> for Receipts of Blocked Account;</li> <li>• <b>Friday, 03/28/14 at 9:00 am in Dept. 303</b> for filing of the Inventory &amp; Appraisal;</li> <li>• <b>Friday, 12/12/14 at 9:00 am in Dept. 303</b> for filing of the First Account and Report of Guardian</li> </ul>	
	CI Report		<b><u>Estimated Value of the Estate:</u></b>		
	9202		Personal property - \$40,000.00		
✓	Order				
	Aff. Posting			Reviewed by: JF	
	Status Rpt			Reviewed on: 10/24/13	
✓	UCCJEA			Updates:	
	Citation			Recommendation:	
	FTB Notice			File 5 – Rodriguez	

Atty Kharazi, H. Ty (for Conservator Tom Collins)

Atty Rindlisbacher, Curtis D. (Petitioner/court appointed attorney for conservatee)

Petition for Attorney Fees [Prob. C. 1471, 1472]

<b>Age:</b>		<p><b>CURTIS D. RIDLISBACHER</b>, petitioner was Court appointed to represent the Conservatee on 8/19/13.</p> <p><b>TOM COLLINS</b> was appointed Conservator of the Person on 9/18/13.</p> <p>Petitioner requests fees in connection with the representation of the Conservatee for Tom Collins' petition to appoint a conservator.</p> <p>Petitioner <b>asks that he be paid</b> from the conservatorship estate for <b>12.30 hours @ \$310.00 per hour of attorney time and 1 hour at \$100.00 per hour for paralegal time for a total of \$3,913.00 and costs of \$435.00 for the filing fee.</b></p> <p>Services are itemized by date and include review of documents, visits with client, and court appearances.</p> <p>Petitioner requests payment of the attorney fees be ordered paid from the living Trust for Marion Weller. Petitioner is informed and believes that Marion Weller has the ability to pay the attorney fees requested. Tom Collins is serving as Trustee of Marion Wellers revocable trust and his petition for appointment as conservator alleges that she has assets sufficient to allow payment by Marion Weller.</p> <p>Petitioner further requests that he be relieved as counsel for the conservatee.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Fee request includes 1.5 hours (\$465.00) in anticipated time to attend the hearing.</p>	
<b>Cont. from</b>				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/O
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

<b>Reviewed by:</b> KT
<b>Reviewed on:</b> 10/24/13
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 6 – Weller</b>

**Krbechek, Randolph (for Sherrie Urner – Petitioner)**

**Pacella, Louis (of Calabasas, CA, for John D. Adanian – Respondent / Objector)**

## Verified Petition for Order Concerning the Internal Affairs of Trust

Case No. 13CEPR00817

George S. Adanalian DOD: 4-15-13		<b>SHERRIE URNER</b> is Petitioner.  <b>Petitioner states</b> George S. Adanalian created the Trust on 10-5-93 and amended twice on 5-2-10 and 9-17-10. George S. Adanalian died on 4-15-13 and the Trust became irrevocable. He was not married at the time of his death and was not survived by any children, grandchildren, or issue. The First Amendment provides that Petitioner is the beneficiary of 100% of all remaining principal and undistributed income of the trust. The Second Amendment provides that Petitioner shall serve as Successor Trustee. Both amendments were drafted by Attorney Teresa B. Petty.  Petitioner states she is the Successor Trustee pursuant to the Second Amendment; however, contrary to such provision, Attorney Louis Pacella mailed a "60-Day Notice to Vacate Premises" dated 6-28-13 to Petitioner in which the attorney stated that he represents Successor Trustee John D. Adanalian. The notice informed Petitioner that the residence in which she lives (Squaw Valley, CA) is owned by the trust and she will be required to quit and surrender possession of the premises to Respondent as landlord. Letter attached as Exhibit C.  Petitioner states the principal place of administration is in Fresno County and that pursuant to the First and Second Amendments, she is the beneficiary of the Trust estate, including the residence identified in the letter, and Successor Trustee.  <b>Petitioner prays for relief as follows:</b> <ol style="list-style-type: none"><li>1. Confirming Petitioner as sole successor trustee;</li><li>2. Confirming that Petitioner has all powers as successor trustee;</li><li>3. Determining that Petitioner is the beneficiary of the trust;</li><li>4. Compelling Teresa B. Petty, Esq., and/or John D. Adanalian to provide Petitioner with a complete copy of the trust;</li><li>5. Restraining John D. Adanalian from exercising any powers or privileges as successor trustee;</li><li>6. Compelling John D. Adanalian to account for any trust assets collected or received by him;</li><li>7. Restraining John D. Adanalian from taking action to remove Petitioner from the real property in Squaw Valley; and</li><li>8. For such other and further relief as the Court may deem just, equitable, and proper.</li></ol> <b>SEE ADDITIONAL PAGES</b>	<b>NEEDS/PROBLEMS/ COMMENTS:</b>
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 10-24-13
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 7 – Adanalian</b>	

**Page 2**

**Opposition to Verified Petition for Order Concerning Internal Affairs of Trust; and Request for Sanctions and Dismissal filed 10-17-13 by John D. Adanian states Petitioner is neither the named successor trustee, beneficiary or heir of the settlor pursuant to the last of three (3) separate and valid amendments, a fact that Petitioner was well aware of at the time of her verification of the petition.**

**Petitioner's undertaking herein is tactical in nature, designed only to delay an eviction from a residence owned by the trust from which she has been given lawful notice to vacate.**

**Respondent requests the Court deny and dismiss this petition. Alternatively, Respondent requests the Court grant his relief sought along with sanctions against Petitioner for verifying a petition she knew to be false.**

Respondent states the Settlor executed a Third Amendment to the trust on 8-22-11 (attached as Exhibit D) which names Respondent as successor trustee and does not include Petitioner as a beneficiary. The Third Amendment divides the trust estate 20% each to John David Adanian, Simon George Adanian, Monica Dione Crapo, Matthew Joseph Adanian, and Randy Alan Shirinian. Petitioner is not an heir and the petition should be dismissed pursuant to Probate Code §17202.

Respondent states Petitioner and Settlor were not husband and wife, nor were they living together in any domestic capacity. Petitioner is not an heir or blood relative of the Settlor. Petitioner is neither a successor trustee nor beneficiary of the trust. Consequently, Petitioner has no rights pursuant to the Trust and the petition should be dismissed.

Respondent further states Petitioner had knowledge of the Third Amendment prior to her verification of the Petition and sanctions are appropriately awarded to Respondent, with reference to Probate Code §17206.

Respondent states Petitioner was previously represented by Central California Legal Services and by Attorney Bill Keeler, who were aware of the Third Amendment. In a letter from CCLS on 8-29-13, Petitioner requested additional time to remain in the residence. Attorney Keeler contacted Attorney Petty on 9-9-13 and inquired whether there was a Third Amendment, which he was provided with.

Mr. Keeler stated he was unaware that Petitioner was now represented by Attorney Krbechek and had filed the instant petition.

Respondent states that despite her claim to be the sole successor trustee, she has taken no action to administer the trust in accordance with law; specifically, no efforts to file the will, gather and account for trust assets, send notice to heirs, or re-title assets in her own name. Petitioner took absolutely no action until she received a 60 day notice of termination of her tenancy. Petitioner's inaction combined with the filing of this petition only after receiving notice demonstrate that this proceeding is a tactical farce designed only to delay her eviction.

Respondent states he has incurred legal fees and costs as a result of Petitioner's knowingly false verified petition in the amount of \$3,150 and filing costs of \$435. Respondent respectfully asks the Court for an award of sanctions in the amount of \$3,585 against Petitioner due to her false Verified Petition.

**Respondent requests the Court Deny and Dismiss the Petition and award sanctions against Petitioner of \$3,585.**

**Alternatively, Respondent requests an order confirming that the Trust, along with the First, Second, and Third Amendments are valid; confirming that John D. Adanian is the Successor Trustee of the Trust with all rights, powers and privileges thereunder; confirming that the sole beneficiaries of the Trust are John D. Adanian, Simon George Adanian, Monica Diane Crapo, Matthew Joseph Adanian, and Randy Alan Shirinian; and for such other and further relief as the Court deems proper.**

**Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 4/6/1991</b>	<b>PAULA VAUGHN</b> , daughter, is petitioner and requests appointment as Administrator without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need waiver of bond from DeAndre Vaughn, bond set at \$88,000.00 or limited IAEA authority. 2. Need Notice of Petition to Administer Estate with proof of service on DeAndre Vaughn ( <u>Note:</u> A Notice of Hearing was filed, however Probate Code §8100 requires the Notice of Petition to Administer the Estate be served on all interested parties.) 3. Need publication pursuant to Probate Code §8120. Affidavit of Publication shows publication of the Notice of Hearing. Probate Code §8120 requires the Notice of Petition to Administer the Estate to be published.)  <u><b>Note:</b></u> If the petition is granted, status hearings will be set as follows:  <ul style="list-style-type: none"> <li><b>Friday, December 6, 2013</b> at 9:00 a.m. in Department 303, for the filing of the bond (<b>if required</b>).</li> <li><b>Friday, March 28, 2014</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.</li> <li><b>Friday, January 30, 2015</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul> Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
<b>Cont. from</b>	Full IAEA - not published for	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Decedent died intestate.	
<input type="checkbox"/> <b>Inventory</b>	Residence: Riverdale	
<input type="checkbox"/> <b>PTC</b>	Publication: <b>NEED</b>	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Estimated value of the estate: Real property- \$88,000.00	
<input type="checkbox"/> <b>Aff.Mail</b>	X	
<input type="checkbox"/> <b>Aff.Pub.</b>	X	
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>	<b>Probate Referee: Steven Diebert</b>	
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

**Reviewed by: KT**

**Reviewed on: 10/24/13**

**Updates:**

**Recommendation:**

**File 8 – Vaughn**

<b>DOD: 5/24/2013</b>		<b>REBECCA S. ZANINOVICH,</b> daughter/named alternate executor without bond, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. #8 of the petition does not list the name and address of the Trustee of the Robert Leavitt and Juanita Leavitt Revocable Living Trust Agreement. 2. Need proof of service of the Notice of Petition to Administer the Estate on the Trustee of the Robert Leavitt and Juanita Leavitt Revocable Living Trust Agreement.  <b>Note:</b> If the petition is granted, status hearings will be set as follows:  • <b>Friday, March 28, 2014</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.  • <b>Friday, January 30, 2015</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.  Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
		Named Executor Juanita Leavitt is deceased.	
<b>Cont. from</b>		Full IAEA – o.k.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Will dated 4/14/1997	
<input checked="" type="checkbox"/>	<b>Verified</b>	Residence: Fresno	
<input type="checkbox"/>	<b>Inventory</b>	Publication: Fresno Business Journal	
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	<b>Estimated value of the estate:</b>	
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>	Personal property - \$238,545.00	
<input type="checkbox"/>	<b>Sp.Ntc.</b>	Annual income - \$ 5,955.00	
<input type="checkbox"/>	<b>Pers.Serv.</b>	<b>Total - \$244,500.00</b>	
<input type="checkbox"/>	<b>Conf. Screen</b>	Probate Referee: Steven Diebert	
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		



	<b>PUBLIC ADMINISTRATOR</b> was appointed on the court's own motion as Successor Administrator on 7/31/13.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

**JULIE FULCHER**, ex-wife, was appointed as Administrator with Full IAEA without bond on 8/23/11. Ms. Fulcher was removed and the Public Administrator appointed on 7/31/13.

The intestate heirs are the Decedent's two children, one of whom is a minor.

**Status Report of the Public Administrator filed on 10/17/13** states the Public Administrator has filed a reappraisal of the real property, and a Notice of Proposed Action. The real property is currently going through escrow. The Public Administrator may have to sell the property by short sale due to the liens on the property.

The Public Administrator requests that the next status hearing be set no sooner than 90 days from the date of this hearing to allow time to complete the sale of the property and any other outstanding tasks regarding the administration of the estate.

<b>Reviewed by:</b> KT
<b>Reviewed on:</b> 10/24/13
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 11 – Fulcher</b>

12 Ben H. Smith (CONS/PE)  
 Atty Jaech, Jeffrey A. (for Conservatee)  
 Atty Amador, Catherine A. (for Michael H. Smith, Sr. – son)  
 Atty Kruthers, Heather H. (for Public Guardian – Conservator)

Case No. 11CEPR00782

Status Hearing Re: Filing of the Inventory and Appraisal

Age: 85	PUBLIC GUARDIAN was appointed Conservator of the Person and Estate on 01/13/13.	NEEDS/PROBLEMS/COMMENTS:
	Inventory & Appraisal, Partial No. 1 filed 05/14/13 - \$0.00	CONTINUED FROM 09/27/13
Cont. from 061813, 081613, 092013, 092713	Status Conference Statement filed 05/31/13 by Michael H. Smith, Sr. states: The parties are currently awaiting the completion of the Inventory & Appraisal by the Public Guardian. Declarant states that conservatee's grandson, Michael H. Smith, Jr. ("Butch") has failed to provide certain bank account records required by the Public Guardian, despite his previous assurances to the Court that all such records would be provided promptly. Months have passed and these records are needed to determine the use of certain funds belonging to conservatee which were distributed to Butch for the benefit of the conservatee. The Conservator's inability to obtain these records is preventing them from completing the Inventory & Appraisal.	1. Need <b>Final Inventory &amp; Appraisal</b> <u>or</u> current written status report pursuant to Local Rule 7.5, which states: In all matters set for status hearing, verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Aff.Sub.Wit.		
Verified	Once the Inventory & Appraisal is complete, the parties need to collaborate to divide the community estate belonging to conservatee and his deceased wife, so that her portion of the estate can be distributed according to her estate plan. This work is also being delayed due to the lack of cooperation demonstrated by Butch.	Reviewed by: JF
Inventory		
PTC	Status Report filed 09/26/13 states that delays have occurred due to problems gathering and sorting out data. The attorneys for the various parties have been working diligently to agree, develop and submit the necessary information to the Conservator, but due to some confusion as to "who was supposed to do what" the completion of the Inventory has been sporadic. It now appears that all parties understand who is responsible for what and that the Inventory will be filed soon.	Reviewed on: 10/24/13
Not.Cred.		
Notice of Hrg		Updates:
Aff.Mail		
Aff.Pub.		Recommendation:
Sp.Ntc.		
Pers.Serv.		File 12 – Smith
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

			<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>OFF CALENDAR.</u></b> Inventory and appraisal has been filed.
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT Reviewed on: 10/24/13 Updates: Recommendation: File 13 – Smith

**14 Olivia Garcia, Jesse Garcia & Irene Jimenez (GUARD/P)**

Case No. 06CEPR01219

Atty Pimentel, Olivia G. (pro per maternal grandmother/guardian)

Atty Garcia, Frances (pro per Petitioner/mother)

**Petition for Termination of Guardianship**

<b>Olivia age: 13</b>	<b>FRANCES GARCIA</b> , mother, is petitioner.  <b>Olivia Pimentel</b> , maternal grandmother, was appointed guardian of Olivia Garcia and Jesse Garcia on 01/22/07, and as guardian of Irene Jimenez on 9/7/11; personally served on 9/1/13  Father – Not listed Paternal Grandfather – Not listed  Paternal Grandmother - Not listed Maternal Grandfather – Not listed  <b>Petitioner states</b> that she is stable now, employed and am ready for her children to be returned to her care.  <b>Court Investigator, Jennifer Young's Report</b> filed 10/22/13.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>1. Need proof of service of the Notice of Hearing on:</b> <ul style="list-style-type: none"><li>• Father(s)</li><li>• Paternal grandparents</li><li>• Maternal grandfather</li></ul>	
<b>Jesse age: 12</b>			
<b>Irene age: 10</b>			
<b>Cont. from</b>			
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/> <b>Verified</b>			
<input type="checkbox"/> <b>Inventory</b>			
<input type="checkbox"/> <b>PTC</b>			
<input type="checkbox"/> <b>Not.Cred.</b>			
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>			
<input checked="" type="checkbox"/> <b>Aff.Mail</b>			W/
<input type="checkbox"/> <b>Aff.Pub.</b>			
<input type="checkbox"/> <b>Sp.Ntc.</b>			
<input type="checkbox"/> <b>Pers.Serv.</b>			
<input type="checkbox"/> <b>Conf. Screen</b>			
<input type="checkbox"/> <b>Letters</b>			
<input type="checkbox"/> <b>Duties/Supp</b>			
<input type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input checked="" type="checkbox"/> <b>CI Report</b>			
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<input checked="" type="checkbox"/> <b>Order</b>			
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<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			

<b>Reviewed by:</b> KT
<b>Reviewed on:</b> 10/24/23
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 14 – Garcia &amp; Jimenez</b>

# 15 Maria Williams-Richardson and Xazavier Williams (GUARD/P)

Case No. 12CEPR00320

Atty Williams, Jasmine T. (pro per – mother/Petitioner)  
Petition for Termination of Guardianship

Xazavier, 14		JASMINE WILLIAMS, mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:  This Petition pertains to Xazavier only. Maria is now 18 years old.  <u>CONTINUED FROM 10/08/13</u> Minute Order from 10/08/13 states: Ms. Williams is appearing via CourtCall. Ms. Williams is informed that notice needs to be provided to the guardian.  As of 10/24/13, nothing further has been filed and the following notes remain: 1. Need Notice of Hearing.  2. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the <i>Petition for Termination of Guardianship or Consent &amp; Waiver of Notice or Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> <li>- Genice Whittle (paternal grandmother)</li> <li>- Darrell Richardson (father)</li> <li>- Paternal grandfather (unknown)</li> <li>- George Williams (maternal grandfather)</li> <li>- Xazavier Williams (minor)</li> <li>- Maria Williams-Richardson (sibling)</li> <li>- Maurice Richardson (sibling)</li> </ul>
		GENICE WHITTLE, paternal grandmother, was appointed guardian on 06/11/12.	
		Father: DARRELL RICHARDSON	
Cont. from 100813		Paternal grandfather: UNKNOWN	
	Aff.Sub.Wit.	Maternal grandfather: GEORGE WILLIAMS	
✓	Verified	Maternal grandmother: DECEASED	
	Inventory	Petitioner requests that the guardianship be terminated so that Xazavier can have a stable, loving home with her where he won't run away or be picked on.	
	PTC	Court Investigator Dina Calvillo filed a report on 10/02/13.	
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: JF
			Reviewed on: 10/24/13
			Updates:
			Recommendation:
			File 15 – Williams - Richardson

**16 Joe C Souza (Det Succ)****Case No. 13CEPR00684**

Atty Souza, Chester Michael (pro per – Petitioner)  
 Atty Souza, Bobby Leroy (pro per – Petitioner)  
 Atty Ochinero, Virginia (pro per – Petitioner)  
 Atty Souza, Carl Wayne (pro per – Petitioner)  
 Atty Brown, Marilyn Louise (pro per – Petitioner)  
 Atty Souza, Joe Cameron (pro per – Petitioner)  
 Atty Souza, John Anthony (pro per – Petitioner)

**Petition to Determine Succession to Real Property (Prob. C. 13151)**

<b>DOD: 11/17/11</b>	<b>JOE CAMERON SOUZA, Jr., JOHN ANTHONY SOUZA, CHESTER MICHAEL SOUZA, BOBBY LEROY SOUZA, VIRGINIA OCHINERO, CARL WAYNE SOUZA, and MARILYN LOUISE BROWN,</b> (relationships not stated), are Petitioners.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>CONTINUED FROM 09/10/13</b></u> <b>As of 10/24/13, nothing further has been filed and the following notes remain:</b> <ol style="list-style-type: none"> <li>The Petition is not marked at item 9(a) or 10 (if applicable) concerning the persons who survived the decedent.</li> <li>The Petition is missing attachment 11 which is to state the legal description of the property seeking to be passed and stating the decedent's interest (100% - 50%, etc.) in the property.</li> <li>The Petition states at item 13 that John Anthony Souza and Chester Michael Souza will purchase the property and the sale proceeds will be distributed equally to all 7 children. However, Attachment 13 is to state the specific property interest claimed by each petitioner in the real property. Petitioner does not state the relationship of each Petitioner to the decedent and does not state the interest in the property claimed by each petitioner (undivided 1/7 interest, etc.) Need clarification.</li> <li>The Petition is missing attachment 14 which is to state the names, relationships to decedent, ages, and residence or mailing addresses of all persons named or checked in items 1, 9, and 10, and all other heirs of the decedent.</li> <li>The Petition is not marked at item 17 re: Decedent's estate was under a guardianship/conservatorship at decedent's death.</li> <li>Need Notice of Hearing.</li> <li>Need proof of service by mail at least 15 days before the hearing on all interested parties (any person who should be named in attachment 14).</li> <li>The Order submitted is incomplete and does not state the legal description at item 9(a) and does not state each petitioner's name and specific property interest at 9(b).</li> </ol>
<b>Cont. from 091013</b>		
<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input checked="" type="checkbox"/> <b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	x	
<b>Aff.Mail</b>	x	
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

**Dept. 303, 9:00 a.m. Tuesday, October 29, 2013**

17 Carla Luna, Devon Murphy, Jr., Jeremiah Murphy,  
and Nehemiah Murphy (GUARD/P)

Case No. 13CEPR00754

Atty Quintana, Benito, Jr., and Jennie P. (Pro Per – Maternal Grandparents – Petitioners)  
Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Carla age: 11	<b>TEMP EXPIRES 10-29-13</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. If notice is not dispensed, need service of notice of hearing with copy of petition on paternal grandfather of Carla per Probate Code §1511.
Devon age: 9	<b>BENITO and JENNIE QUINTANA</b> , maternal grandparents, are petitioners.	
Jeremiah age: 7	Father (Carla): <b>JUAN CARLOS LUNA</b> – personally served 9-19-13	
Nehemiah age: 5	Father: (Devon, Jeremiah & Nehemiah): <b>DEVON DUSHON MURPHY</b> – personally served 10-9-13	
Aff.Sub.Wit.	Mother: <b>ANITA MARIE QUINTANA</b> – consents and waives notice.	
✓ Verified	Paternal grandfather (Carla): Unknown – Declaration of Due Diligence filed 9-10-13	
Inventory	Paternal grandmother (Carla): Irma Morales	
PTC	Paternal grandfather (Devon, Jeremiah & Nehemiah): George Murphy – served by mail 9-10-13	
Not.Cred.	Paternal grandmother (Devon, Jeremiah & Nehemiah): Evette Murphy – served by mail 9-10-13	
✓ Notice of Hrg	<b>Petitioners state</b> Devon Dushon Murphy's (father) date of release is 9/17/2013. He wrote a letter to the children's mother stating he and she should be raising their children. Therefore, they are afraid that upon his release he will try to take the children. The father was very abusive and controlling. He has abuse the children verbally and emotionally and they are afraid of him. Attached to the petition is Team Decision Meeting (TDM) notes from DSS dated 9/14/12 stating allegations of sexual abuse, substance abuse by the parents, domestic violence and home conditions. The TDM indicates it was agreed that the children would remain with the grandparents and the grandparents would petition for guardianship. Also attached to the Petition is a copy of a protective order restraining Devon (father) from contact with Anita (mother) until 9/14/15.	
✓ Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
✓ Pers.Serv.		
✓ Conf. Screen		
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
✓ Clearances		
✓ Order		
Aff. Posting		
Status Rpt		
✓ UCCJEA		
Citation		
FTB Notice	<b>Court Investigator Julie Negrete filed a report on 10-18-13.</b>	

<b>Reviewed by:</b> skc
<b>Reviewed on:</b> 10-24-13
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 17 – Luna &amp; Murphy</b>

**1A The Cenci Family Trust (Trust)**

Case No. 10CEPR00244

Atty Denning, Stephen M. (for Richard G. Cenci – Petitioner)

Atty Sullivan, Robert L (for Bruce D. Bickel – Trustee)

Atty Tekunoff, Daniel J. (for Maike Cenci, Spouse of Respondent Herman Cenci)

Atty Motsenbocker, Gary L (for Terese Cenci McGee)

Amended Petition to Enforce Judgment Against Trust Beneficiaries [Prob. C. 17000, et seq.]

		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Note:</u> This matter will be heard at 10am  <u>Continued from 9-9-13</u>  <u>Note:</u> Examiner Notes are not provided for this matter; however, the following history is provided:  <u>Minute Order 6-25-13 (hearing on Richard G. Cenci's original petition):</u> No distribution until Further order of Court. Mr. Sullivan clarifies a clerical error in objection filed. He referenced PC 15306 and it should be referenced to PC 15306.5. All objections and any additional pleadings need to be filed by 8/19/13. Mr. Sullivan will file accounting by 7/25/13 and will be set on 9/9/13 @ 10am. Accounting and this Petition to be heard together.
Cont. from 090913		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order	X	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 10-24-13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 1A – Cenci</b>

1A



**Notice of Motion and Motion for Earnings Withholding Order on Spouse's Community Property Wages**

		<p><b>RICHARD G. CENCI</b>, Trustee of the Herman R. Cenci Family (Bypass) Trust, is Petitioner and Judgment Creditor.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
		<p>Petitioner states Defendant Herman Francis Cenci and Maike Cenci were married at the time of the judgment; therefore, Maike Cenci is also liable for this debt. Although there is no decided case under California Law, every treatise and commentary on the Enforcement of Judgments Law (EJL) [cites provided] concur: Community property is liable for the judgment, and the wages of the non-debtor spouse are reached by this same noticed motion procedure. The earnings of both spouses during marriage are community property.</p>	<p><u><b>Note:</b></u> This matter will be heard at 10am</p>
<p><b>Cont. from 062513, 090913</b></p>			
	<b>Aff.Sub.Wit.</b>	<p>Petitioner states it is important to keep in mind what is actually being sought by a motion for court order for an earnings withholding order on the wages of a non-debtor spouse. The aim is not to make the spouse a judgment debtor; the aim is to apply a particular form of community property to the judgment.</p>	<p><b>Continued from 9-9-13</b></p>
✓	<b>Verified</b>		
	<b>Inventory</b>	<p>Petitioner and Attorney Denning cite and discuss various authority for this motion. See Memorandum and Declaration in Support.</p>	<p><u><b>Note:</b></u> Examiner Notes are not updated for this matter.</p>
	<b>PTC</b>		
	<b>Not.Cred.</b>	<p><b>Declaration of Maike Cenci in Opposition to Motion for Earnings Withholding Order on Spouse's Community Property Wages; and Memorandum of Points and Authority in Opposition to Motion for Earnings Withholding Order on Spouse's Community Property Wages were filed 6-24-13 by Maike Cenci.</b></p>	<p><b>Reviewed by:</b> skc</p>
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>	<p>Maike Cenci states the address on Bay View Drive in Manhattan Beach, CA, has not been her or her husband's address since Feb. 2010. A PO Box in Manhattan Beach is provided as a mailing address, and Mrs. Cenci states that some relatives have been aware that they moved and had a new mailing address.</p>	<p><b>Reviewed on:</b> 10-24-13</p>
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>	<p>Maike Cenci states it is her understanding that papers have been filed with the Court seeking to withhold her wages. She never received service of such papers. In mid-June, her sister-in-law Teres Ann Cenci McGee, forwarded her a copy of the motion, but it was blank where the hearing date should be. She has never been provided with any other documents in this legal proceeding.</p>	<p><b>Updates:</b></p>
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>	<p>Because she has not had enough time to prepare for hearing and has not received proper notice and service, Mrs. Cenci asks the Court to deny the motion and require the paperwork to be properly served and noticed.</p>	<p><b>Recommendation:</b></p>
	<b>Letters</b>		
	<b>Duties/Supp</b>	<p><b>See Memorandum of Points and Authorities.</b></p>	<p><b>File 1B – Cenci</b></p>
✓	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		

**First and Final Account and Report of Trustee and Petition for Its Settlement;  
Petition for Instructions Regarding Final Distribution of the Trust Estate [Prob. C.  
17200 & 16062]**

<b>Esther Cenci</b> <b>DOD: 8-31-11</b>		<b>BRUCE D. BICKEL</b> , Successor Trustee of the Cenci Family Trust of 1992 Survivor's Trust, is Petitioner.  <b>Account period: 9-16-10 through 6-30-13</b>  Accounting: \$645,510.55 Beginning POH: \$541,676.00 Ending POH: \$305,266.37 (per Supplement)  (Property on hand at end of account period includes \$111,351.60 cash, 1931 Packard 840 Deluxe Convertible Coupe valued at \$208,300.00, and various furniture, furnishings and personal effects, which is not appraised.)  Petitioner states that pursuant to the Trust Instrument, after several enumerated pecuniary bequests, the residue of the Survivor's Trust is distributable to Esther Cenci's four surviving children in equal shares. However, the Trust provides that Herman Francis Cenci's share should be reduced by \$12,000, and the interest of Terese Ann Cenci McGee is subject to a \$50,000 charge levied by Judge Donald S. Black in his opinion dated 5-23-12.  <b>Petitioner requests instruction with respect to the personal property held in the Trust Estate as follows:</b>  a) Because of the contentious history among beneficiaries, the Trustee does not believe that the 1931 Packard should be distributed in kind making them tenants in common. The Trustee respectfully submits that it would be more prudent to sell it and distribute the cash to the beneficiaries;  b) The Trustee also respectfully submits that it would be more prudent to sell the tangible personal property of the Trust Estate at an estate sale and distribute the cash to the beneficiaries.  <b>Petitioner also requests instruction from the Court regarding distribution of the Trust Estate after payment of the specific cash bequests from the Survivor's Trust:</b>  <p style="text-align: center;"><b>SEE ADDITIONAL PAGES</b></p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Note:</u> This matter will be heard at 10am  Continued from 9-9-13  <u>Note:</u> Bruce Bickel was appointed by Esther Cenci as sole Trustee of the Survivor's Trust by the 6-24-10 amendment to the Survivor's Trust; however, he did not take possession of assets until 9-16-10.  <u>Note:</u> Herman F. Cenci's Objection to Petition for Instructions Regarding Final Distribution of Trust filed 10-15-13 states that the language in the clause authorizing trustee discretion in distribution of personal property should allow the trustee to get beyond the "contentious" family history and asks that the Court <u>not</u> allow sale of personal effects and other items sentimental to the family without a first opportunity for the family to keep such items. Objection provides examples of ways to share, such as scanning family photographs. Herman Cenci asks the trustee to consider some procedure whereby the family would have first choice of the personal effects.
<b>Cont. from 090913</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
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<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/o		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
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<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
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<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b> X		
<input type="checkbox"/>	<b>Aff. Posting</b>		
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<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

**Petitioner also requests instruction from the Court regarding distribution of the Trust Estate after payment of the specific cash bequests from the Survivor's Trust:**

- a) A judgment has been entered against two beneficiaries, Terese Ann Cenci McGee and Herman Francis Cenci, in a separate matter 10CEPR00244. In this matter, Richard Cenci asserted claims against them for financial elder abuse and breach of fiduciary duty and sought damages. After trial, a judgment was entered against Terese Ann Cenci McGee and Herman Francis Cenci in this matter for \$438,600 to the Bypass Trust and \$236,687.40 to the Survivor's Trust. Judge Black also charged the amount of \$50,000 against Terese Ann Cenci McGee's interest in the Survivor's Trust.

Richard Cenci filed a petition on 5-8-13 to enforce judgment against the beneficiaries, which requests to have their entire shares paid to Richard Cenci in satisfaction of the judgment. The Trustee objected to the petition on 6-20-13, alleging that the trust is not in a position to be presently distributed, correcting the purported list of subtrust assets alleged in the petition, and pointing out that the amounts sought were excessive and recovery was limited by California law and the Trust Instrument's spendthrift provision.

***[Examiner's Note: Page 2A of this calendar is Richard Cenci's Amended Petition.]***

Petitioner seeks instruction regarding whether he can hold the distributive shares of Terese Ann Cenci McGee and Herman Francis Cenci in trust pursuant to the instructions contained in the spendthrift clause of the Trust. Clause and discussion provided.

- b) Trustee seeks instruction from the Court as to how to treat the charge of \$50,000 against Terese Ann Cenci McGee's interest in the Survivor's Trust. Pursuant to Judge Black's opinion, it would appear that the charge should be applied in reduction of her distributive share and become part of the residue of the Trust Estate. Since she has a right to distribution of one-fourth of the residue, she would therefore be entitled to one-fourth of the charge. The Trustee respectfully requests instructions on how this charge is to be treated in connection with the final distribution.

**Petitioner prays for an order:**

1. Settling, allowing, and approving the Trustee's First and Final Account as filed;
2. Determining that all acts and transactions of the Trustee relating to matters reflected in the First and Final Account and Report are ratified, confirmed and approved;
3. Instructing the Trustee whether he should sell the Packard automobile and distribute the cash proceeds to the beneficiaries;
4. Instructing the Trustee whether he should sell the tangible personal property in the Trust Estate and distribute the cash proceeds to the beneficiaries;
5. Instructing the Trustee whether he should hold the distributive shares of Terese Ann Cenci McGee and Herman Francis Cenci further in trust pursuant to the spendthrift clause of the Trust Instrument (notwithstanding the entry of the judgment rendered against Terese Ann Cenci McGee \$286,687.40 and Herman Francis Cenci \$438,600.00);
6. Instructing the Trustee how to apply the \$50,000 charge against Terese Ann Cenci McGee in connection with the Trust Estate; and
7. Granting such other and further relief as the Court may deem proper.

**SEE ADDITIONAL PAGES**

**Page 3**

**A Supplemental Account and Report of Trustee was filed 9-5-13.** Trustee Bruce Bickel states that since the date of the accounting, he has made five additional disbursements set forth on Exhibit A and the new Property on Hand is stated in Exhibit B. This augments Schedule F of the Accounting to add the promissory note listed as Item 1 of Schedule A to the Accounting. This item is a promissory note originally executed by Paul D. Willingham in favor of the trust in the original principal sum of \$92,500 dated 4-30-92, secured by a short form deed of trust and assignment of rents dated 6-1-07 and recorded 6-22-07.

The promissory note and the 2007 Deed of Trust became assets of the trust prior to the trustee's appointment as trustee. The trustee has been unable to locate the promissory note, but has been able to locate a Modification of Promissory Note dated 2-20-09 between **Terese Cenci McGee as Trustee of the Cenci Family Trust** and **Jebian Construction, Inc.** This document recites the history of the promissory note. See Exhibits C and D.

As set forth in the Modification of Promissory Note, the parties agreed that as of 2-20-09 the note had an unpaid principal balance of \$122,500. The Modification of Promissory Note contains the newly agreed provisions for payment and the promise of **Antonio Jebian** (the then current payor of the note) to personally guarantee the note.

On 2-17-09, Terese M. Cenci McGee as trustee executed the Subordination Agreement subordinating the promissory note to a \$120,000 construction loan made by **Mid-Valley Services, Inc.** Exhibit E.

The real property which is the subject of the 2007 Deed of Trust was foreclosed upon by tow Trustee's Deeds Upon Sale (Exhibits F and G).

Based upon the facts which the trustee has been able to determine, the trustee is informed, believes, and therefore alleges that:

- a) The remaining unpaid balance of the promissory note is \$122,500 plus interest accrued thereon since 2-20-09;
- b) The promissory note was acquired by the Trust as payment (or partial payment) for the sale by the trust to Paul D. Willingham of the certain parcels of real property (description provided).

As such, the promissory note is a purchase money note secured by a deed of trust which is entitled to protection of Civil Code §580b. When the deed of trust securing the promissory note was subordinated, it appears that the bar of §580b ceases to apply. Authority cited.

As a result, the trust presently holds an unsecured promissory note in the principal sum of \$122,500 plus interest accrued since 1-20-09 and under the Subordination Agreement, **Jebian Construction, Inc.**, has agreed to guarantee payment of the note (although no written guarantee has been located by the trustee).

Because of the uncertain nature of the promissory note and its legal and procedural history, the trustee, not wanting to make any representations as to the true value or its collectability, has valued it at zero for purposes of this accounting.

**The trustee proposes to distribute the promissory note "as is" to the four beneficiaries, each as to an undivided 25% interest. Accordingly, the Trustee hereby supplements the Petition for Instructions and request that the Court instruct the Trustee to distribute the promissory note as set forth above without any warranty or representation as to the value or its collectability.**

**1D The Cenci Family Trust (Trust)****Case No. 10CEPR00244****Atty Motsenbocker, Gary L (for Terese Cenci McGee – Petitioner)****Atty Denning, Stephen M. (for Richard G. Cenci – Objector)****Petition Requesting Accounting by Trustee of the Cenci Bypass Trust [Prob. C. 16060, 16061, 16062; Evid. C. 452 & 453]**

		<b>TERES CENCI MCGEE</b> is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Petitioner requests that <b>RICHARD G. CENCI</b> , Trustee Of the <b>CENCI FAMILY BYPASS TRUST</b> , render an account of his acts and actions of said trust. Petitioner states:	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	<ol style="list-style-type: none"> <li>1. She is the daughter of the Settlor Herman R. Cenci and Esther C. Cenci and is therefore an interested person.</li> <li>2. Richard Cenci, Successor Trustee of the Cenci Family Bypass Trust, has served in that capacity since fall 2010 and has not rendered an account and report in the intervening three years.</li> <li>3. Petitioner requests the Court take judicial notice of all pleadings and proceedings contained in the court record, including but not limited to the multiple and various copies of the Trustors' initial trust and the amendments thereto pursuant to Eid. C. §452.</li> <li>4. In accord with the provisions of the first amendment to the trust dated 2-18-04, Petitioner requested an account in writing, which was hand delivered to the trustee's attorney on or about 5-8-13. To date, Petitioner has not received acknowledgment of the request or the mandated account in response. Petitioner is entitled to and the trustee is duty bound to render an accounting within 90 days of receipt of written request. As of the filing of this petition, the trustee has refused to render account or respond.</li> </ol>	<b>Note: This matter will be heard at 10am</b>
<input type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
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<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input checked="" type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>	<b>Reviewed by:</b> skc <b>Reviewed on:</b> 10-24-13 <b>Updates:</b> <b>Recommendation:</b> <b>File 1D – Cenci</b>	
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>	<b>Petitioner request that the Court order that:</b>	
<input type="checkbox"/>	<b>FTB Notice</b>	<ol style="list-style-type: none"> <li>1. Richard G. Cenci be ordered to render an accounting within 90 days of this hearing;</li> <li>2. For such attorney fees allowed under the law;</li> <li>3. For costs of suit incurred herein; and</li> <li>4. For all other proper relief the Court deems proper under the circumstances.</li> </ol>	
		<b>Richard G. Cenci filed his Opposition on 10-24-13. See additional pages.</b>	

**Richard G. Cenci states the petition should be denied for the following reasons:**

- 1. Petitioner is not a beneficiary to whom income or principal is required or authorized to be currently distributed, and Respondent is not required to account to her. Probate Code §16062.**
- 2. Petitioner did not bring her petition pursuant to §17200(b)(7). *Esslinger v. Cummins, supra*, at page 526.**
- 3. Because Petitioner owes the family trust more than she would reasonably be expected to receive on distribution from it, Petitioner has no relevant interest in the family trust.**
- 4. The probate court has discretion to grant or deny a petition for an order compelling a trustee to account. Because Petitioner committed elder financial abuse and breached her fiduciary duty to her mother that resulted in a significant loss to her, Petitioner has no right to an accounting of the family trust, and because of her actions has no interest in the family trust to protect.**

**See Opposition for details.**

1A  
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**Fred Erwin Davis (Estate)**

Dias, Michael A. (for Lynette Lucille Duston and Warren Leslie Davis – Son – Petitioner)

Farley, Michael L., and Sullivan, Robert L., Jr., (for Mary M. Davis – Executor)

Case No. 10CEPR00810

Second Amended Petition for: (1) Removal of Mary M. Davis as Executor of the Estate;  
(2) Compelling Account and Report of Administration of Estate; (3) Appointment of Lynette  
Lucille Duston and Warren Leslie Davis as Successor Co-Executors of Estate.

[Probate Code §§8420, 8421, 8500, 8501, 8502, 8800, 8804, 10950, 12200, 12204, and 12205]

<b>DOD: 7-9-10</b>	<b>LYNETTE LUCILLE DUSTON and WARREN LESLIE DAVIS,</b> Daughter and Son of the Decedent, are Petitioners.	<b>NEEDS/PROBLEMS/ COMMENTS:</b>  <b>Continued from</b> <ul style="list-style-type: none"><li>• 1-22-13</li><li>• 3-8-13</li><li>• 5-10-13</li><li>• 6-28-13</li><li>• 7-29-13</li><li>• 10-1-13</li></ul> <b>Note: Page 1B is Mary M. Davis' First and Final Account and Report of Executor and Petition For Its Settlement; For Allowance of Ordinary Executor Commissions, Ordinary and Extraordinary Attorneys' Fees and For Final Distribution filed 6-14-13.</b>  <b>Note: This matter is also set for Settlement Conference (Examiner Notes not prepared for Settlement Conference).</b> <b>Reviewed by: skc</b> <b>Reviewed on: 10-24-13</b> <b>Updates:</b> <b>Recommendation:</b> <b>File 1A - Davis</b>
<b>Cont. from 012213, 030813, 051013, 062813, 072913, 100113</b>	On 10-18-10, Decedent's Will dated 12-7-04 was admitted to probate and <b>MARY M. DAVIS</b> , Surviving Spouse, was appointed Executor with Full IAEA without bond on 10-18-10. Letters issued on 10-19-10.  <b>Petitioners state</b> more than 18 months have elapsed since Letters were issued and Mary has neither filed an account nor report of status of administration. Petitioners object to the continuation of Mary as the personal representative and seek to remove her as executor for the following reasons: <ul style="list-style-type: none"><li>• <b>§8502(c).</b> Mary has wrongfully neglected the estate, or has long neglected to perform any act as personal representative.  On 3-17-11, a substitution of attorney was filed in the proceeding. From that date until the original petition for removal was filed on 6-26-12, there had been no court action taken in this matter. Since then, the only action taken was to file another substitution of attorney and oppose the petition for removal.</li><li>• <b>§8804(b).</b> Mary has failed to file an inventory and appraisal within the prescribed time.</li><li>• <b>§12200.</b> Mary has failed to render a report of the status of the administration.</li><li>• <b>§8502(a).</b> Mary has wasted, embezzled, mismanaged, and committed a fraud on the estate. Mary has, <i>inter alia</i>, admitted during a deposition that she had liquidated assets of the Decedent's estate which were specific bequests to one of the Petitioners to pay for her attorneys' fees and costs in her two civil actions against Petitioners.</li><li>• <b>§8502(b).</b> Mary is incapable of properly executing the duties of her office, or is otherwise not qualified for appointment as personal representative. Mary is 86 years old and has made claims for elder abuse in a lawsuit she filed against one of the Petitioners and has made representations that she is susceptible to undue influence.</li></ul> Petitioners cite authority in addition to the statutory references above regarding the Court's power to remove a personal representative for other cause, for example, adverse interest or hostile acts, and state removal of Mary as executor is necessary to protect the Decedent's estate and its heirs.  <b>SEE ADDITIONAL PAGES</b>	
<b>Aff.Sub.Wit.</b>		
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<b>Inventory</b>		
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<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

1A

**Page 2**

Petitioners state it is also proper for this Court to order Mary to account which shall include both a financial statement and report of administration of the estate, and specifically show the condition of the estate. Furthermore, it is proper for the Court to reduce compensation of Mary and her attorneys by an appropriate amount.

Petitioners state they are entitled to appointment as personal representatives of the estate because they were nominated as successor co-executors in the event Mary shall for any reason fail to qualify or cease to act as executor.

It is hereby requested that this Court appoint Petitioners as successor co-executors to serve without bond and with full IAEA.

**Petitioners pray as follows:**

1. That citation issue to Mary M. Davis to show cause why she should not be removed as personal representative;
2. The Court forthwith suspend the powers of Mary M. Davis as personal representative and revoke the Letters issued 10-18-10;
3. For an order to appoint Petitioners as personal representatives with Full IAEA without bond;
4. For an order that Mary M. Davis file an account of the administration in accordance with Probate Code § 10900 and specify a reasonable time within which the account must be filed, which Petitioners suggest should be no later than 60 days from the date of her removal;
5. For an order that Mary M. Davis surrender all property in her possession belonging to the estate of the Decedent to the duly appointed and qualified successor co-executors;
6. For attorney's fees and costs of suit incurred herein; and
7. For such other orders and further relief as the Court deems just and proper.

**SEE ADDITIONAL PAGES**



**Page 3**

**Mary M. Davis' Fourth Report of Status of Administration of Estate filed 5-6-13 states:** The Final I&A was filed concurrently with this status report. Executor has retained Robert L. Sullivan of McCormick Barstow to associate in as co-counsel with Farley Law Firm to assist with the filing and account and any final matters to close the estate.

Since the last status hearing, two new issues requiring the Court's assistance have emerged:

1. **Deposition:** In the recently settled partnership litigation against Executor, Executor was subjected to a grueling deposition by Petitioners' counsel, Dias Law Firm. As such, the anticipation of another deposition has been the source of anxiety and stress to the Executor.

Although Executor and counsel do not contest Petitioners' right to depose Executor, in an effort to shield Executor from improper and unnecessary stress and inquiries, counsel has sought to narrow the parameters of the deposition, without success. Correspondence attached.

Contrary to Petitioners' assertions that Executor is seeking to avoid her deposition, Executor seeks to narrow the scope of her deposition to disallow Peittioners' fishing expedition and inquiries that are irrelevant and premature. The Executor's deposition after the filing of an account and report, barring inquiries into incompetency and those matters better directed to the accountant, would serve to effectuate a more orderly, productive, and cost effective deposition. Executor respectfully requests the Court's determination accordingly.

2. **Antiques:** I&A Partial #2 filed 2-13-13 includes Decedent's one-half community property interest in an antique table and chair and other furniture, furnishings and personal effects for a total of \$15,000 (\$7,500 to Decedent's interest). Petitioner contend that the I&A does not adequately describe and account for these items. After correspondence, and although Executor believes the I&A adequately includes these items, Executor is in the process of retaining the services of an appraiser to inventory and appraise the antiques, which is expected the last week of June 2013. Therefore, until the Supplemental I&A can be submitted to the Probate Referee and appraisal is complete, a final account cannot be filed.

**Executor therefore respectfully states that good cause exists to:**

- 1) Extend the time to file an account to a date after receipt of the Supplemental I&A;
- 2) Disallow inquiries at Executor's deposition regarding, seeking to determine, and otherwise addressing, mentioning, or referring to the Executor's competency, pending further order of the Court;
- 3) Disallow inquiries regarding the legal services rendered to the Executor pending further order of the Court; and
- 4) The Executor's deposition is to be scheduled to a date after the filing of the account and report in this matter.

**UPDATE:** Page 1B is Mary M. Davis' Amended First and Final Account. Also on calendar is continued Settlement Conference. Examiner Notes are not provided for Settlement Conference.

1B

Atty  
Atty**Fred Erwin Davis (Estate)**

Case No. 10CEPR00810

Farley, Michael L., and Sullivan, Robert L., Jr., (for Mary M. Davis – Executor – Petitioner)

Dias, Michael A. (for Lynette Lucille Duston and Warren Leslie Davis – Contestants)

Amended First and Final Account and Report of Executor and Amendment to Petition for its Settlement, for Allowance of Ordinary Executor Commissions, Ordinary and Extraordinary Attorneys' Fees and for Final Distribution

<b>DOD: 7-9-10</b>		<p><b>MARY M. DAVIS</b>, Surviving Spouse and Executor with Full IAEA without bond, is Petitioner.</p> <p><b>Account period: 7-10-10 through 6-30-13</b>  <b>Accounting: \$2,030,762.03</b>  <b>Beginning POH: \$1,909,404.65</b>  <b>Ending POH: \$1,909,287.65</b> consisting of:</p> <ul style="list-style-type: none"> <li>Decedent's 33.33% partnership interest in Whitney Oaks Dairy,</li> <li>Decedent's 50% community property interest in various real and personal property,</li> <li>cash in the amount of \$3,258.90</li> <li>Unsecured Self-cancelling Installment Note to Fred and Mary Davis by Whitney Oaks Dairy (Decedent's 50% valued at \$808,496.50)</li> <li>POH Fair Market Value is \$1,557,629.65</li> </ul> <p><b>Liability: \$84,110.61</b> owing by the estate to Petitioner Mary M. Davis allocable to the estate with reference to the two litigated civil actions plus the ongoing petition to remove her as Executor filed by Lynette Duston and Warren Davis in this probate estate.</p> <p>Petitioner states the original petition reports advances of \$96,644.34 made by the Executor to the estate for attorneys' fees in the two separate litigations involving family members. It has since been discovered that the information provided to report amounts paid to Dowling Aaron was incorrect. Accordingly, Petitioner requests the Court's confirmation and approval of \$84,110.61 instead of \$96,644.34.</p> <p><b>Executor (Statutory): \$32,466.51</b>  <b>Attorney Robert Gin (Statutory): \$2,532.65</b>  <b>Attorneys Michael Farley and Robert L. Sullivan, Jr. (Statutory): \$29,933.86</b></p> <p>Petitioner states that in light of the modifications to the I&amp;A (Partial No. 2 – Corrected – Supplemental) the statutory executor commissions and attorneys' fees have been recalculated.</p> <p><b>Attorneys (Extraordinary):</b> The original petition requested authority to pay \$5,412.00 to McCormick Barstow as reasonable compensation for extraordinary legal services rendered in the administration of the estate. Petitioner states that since the date of the original petition, additional extraordinary legal services have been rendered. A separate declaration will be filed.</p> <p style="text-align: center;"><b><u>SEE ADDITIONAL PAGES</u></b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b><u>SEE ADDITIONAL PAGES</u></b></p>	
<b>Cont. from 100113</b>				
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<input type="checkbox"/>	<b>Citation</b>			
<input checked="" type="checkbox"/>	<b>FTB Notice</b>			

Reviewed by: skc

Reviewed on:  
10-24-13

Updates:

Recommendation:

File 1C – Davis

**Petitioner states:** In response to the objections to the original account, the following modifications have been made:

- The accounting is updated through 7-30-13
- Receipts include a reimbursement to the estate of \$237.70, which represents the estate's portion of the monthly insurance premium paid after the date of the final performance of the settlement in the Cayucos litigation (12-4-12) through the end date of the original account (5-15-13)
- Schedule A-1 Advances to Estate by Executor has been amended as follows:
  - to reflect actual fees and costs incurred with Dowling Aaron in the Cayucos litigation and advanced by Mary on behalf of the estate;
  - The classification of payment to McCormick Barstow of \$2,100 has been modified to show the disbursement as being related to the estate's trust and partnership consultation;
  - Declaration of Michael L. Farley in support of request for extraordinary fees is filed;
  - Schedule A-1 is amended to include additional advances made by the Executor for costs of administration;

**Note:** Declaration of Michael L. Farley indicates fees of **\$19,747.25** in connection with the Cayucos litigation and **\$48,787.13** in connection with the petition to remove the executor.

- Disbursements now excludes a charge to the estate for insurance premiums to Cayucos property after 12-4-12;
- POH has been amended to include the estate's interest in additional furniture, furnishings and antiques, and the self-cancelling installment note, as described.

**Petitioner prays for the relief prayed for in the original petition, as modified by the foregoing.**

**Note:** Petitioner also filed Supplement to Reply to Objection on 9-11-13, which refers to Objections filed 7-8-13 in connection with the original accounting petition. However, pursuant to #1 below, that petition, including the objections thereto, are not currently before the Court, as this amended petition replaces and supersedes that petition. Therefore, Examiner has not reviewed this document. See file.

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**NEEDS/PROBLEMS/COMMENTS:**

1. **Need clarification:** This petition was filed as an amended petition, which replaces and supersedes the original. Therefore, reference to the original petition, which is no longer before the Court, is not appropriate. The Court may require clarification of the prayer and proposed distribution, or may require complete amendment.
2. **Declaration of Michael L. Farley in support of extraordinary fees and costs does not appear to comply with applicable law, which requires itemization. The Court may require clarification.**
3. **Need proposed order. See Local Rules.**

**Note:** Examiner Notes from the hearing on the original petition on 7-29-13 were provided to the judge for reference. The original petition was filed 6-14-13 and is located in the "A" volume of the case file. (At this point, there are three volumes on 10CEPR00810: Main, A, and B.)